

10/779,357

Attorney Docket No.: 13599-1
2110-045 US D1**REMARKS**

Initially, the undersigned, Attorney for Applicants, would like to thank Examiner Snay for the indication of allowability of Claims 36-51.

I. Status Of The Claims.

Claims 29-52 are pending in the application. Claims 36-51 are allowed and Claims 29-35 and 52 are rejected. This Response And Amendment amends Claims 29-30, 32, 34-35, and 52. As detailed below, the claim amendments do not add new matter. Entry of these claim amendments is respectfully requested.

II. Claim Amendments.**Claim 29.**

Claim 29 has been amended to recite "A use of a fluorescent label in a particle comprising incorporating one or more fluorescent label into a particle, at least one fluorescent label being a compound of the formula:"

The use of a fluorescent label in a particle comprising incorporating a fluorescent label into particle is described on page 6, line 23 – page 8, line 7. An Example of this embodiment is provided in Example 9, pages 28-30. This amendment clarifies the scope of Claim 29 and does not add new matter.

Claims 30, 32, 34-35 and 52.

Claims 30, 32, 34-35 and 52 are amended so they are in proper dependent claim format. These amendments are made for format and do not add new matter.

III. Claim Rejections.**A. Claims 29-35.**

Claims 29-35 have been rejected under 35 U.S.C. § 101 and 35 U.S.C. §112, par. 2 for the reasons stated in numbered paragraphs 3 and 4 of the Office Action.

Claim 29 has been amended to clearly set forth the steps in the method. This amendment is believed to obviate the Examiner's rejections. Withdrawal of the rejection and allowance of Claims 29-35 is respectfully requested.

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Claim 52 has been rejected under 35 U.S.C. §112, par. 2 for the reasons stated in numbered paragraph 5 of the Office Action.

Claim 52 has been amended such that Claim 52 is directed to a "particle prepared by a process", and is properly dependent on Claim 51, which is also directed to a "particle prepared by a process."

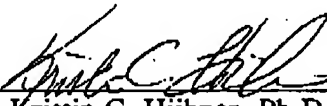
This amendment is believed to obviate the Examiner's rejection. Withdrawal of the rejection and allowance of Claim 52 is respectfully requested.

CONCLUSION

No fee is believed due with this Response And Amendment. However, if any fee is due, the Commissioner is authorized to charge any fee associated with this Response And Amendment to Deposit Account No. 19-2090.

Respectfully Submitted,
SHELDON & MAK PC

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